

Opinion issued August 21, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-05-00780-CR

VICTOR RANDOLPH TURNER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 268th District Court
Fort Bend County, Texas
Trial Court Cause No. 40,639A**

MEMORANDUM OPINION

Appellant, Victor Randolph Turner, pleaded guilty, without an agreed

punishment recommendation from the State, to the offense of evading arrest with a vehicle.¹ Appellant also pleaded true to an enhancement for a prior evading arrest conviction. Punishment was tried to the jury, which assessed punishment at 10 years' confinement. Appellant filed a notice of appeal, and the trial court certified appellant's right to appeal the punishment only.

Appellant's counsel on appeal has filed a brief stating that the record presents no reversible error and that the appeal is without merit and is frivolous. *See Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 1400 (1967). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record and detailing why there are no arguable grounds for reversal. *Id.*; *see also High v. State*, 573 S.W.2d 807, 810 (Tex. Crim. App. [Panel Op.] 1978). The brief also reflects that counsel delivered a copy of the brief to appellant. *See Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991). Counsel also informed appellant of his right to file a pro se response, which appellant has done.

In his pro se response, appellant contends that the his constitutional protection against double jeopardy was violated. Having reviewed the record, counsel's brief, and appellant's pro se brief, we agree that the appeal is frivolous and without merit and that there is no reversible error. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27

¹ *See* TEX. PENAL CODE ANN. § 38.04(b)(2)(A) (Vernon 2003).

(Tex. Crim. App. 2005).

We affirm the judgment of the trial court. We grant counsel's motion to withdraw. *See Stephens v. State*, 35 S.W.3d 770, 771 (Tex. App.—Houston [1st Dist.] 2000, no pet.).² We overrule all pending motions.

Sherry Radack
Chief Justice

Panel consists of Chief Justice Radack, and Justices Taft and Higley.

Do not publish. TEX. R. APP. P. 47.2(b).

² Appointed counsel still has a duty to inform appellant of the result of this appeal and that he may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005); *Downs v. State*, 137 S.W.3d 837, 842 n.2 (Tex. App.—Houston [1st Dist.] 2004, pet. ref'd).